

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS
1700 K STREET
SACRAMENTO, CA 95814-4037
TDD (916) 445-1942



ADP BULLETIN

Title Complaint Investigations--Findings Since January 1995		Issue Date: 09-25-97 Expiration Date:	Issue No. 97-58
Deputy Director Approval (signed by) ROBERT L. JACKSON, R.Ph. Quality Assurance Division	Function <input type="checkbox"/> Information Management <input type="checkbox"/> Quality Assurance <input type="checkbox"/> Service Delivery <input type="checkbox"/> Fiscal <input type="checkbox"/> Administration	Supersedes Bulletin/ADP Letter No.	

PURPOSE

Since January of 1995, the results of the Department of Alcohol and Drug Programs' (ADP) complaint investigations of licensed residential alcoholism and drug abuse recovery or treatment facilities and unlicensed facilities have been entered into a data base. This report is a brief analysis of the data, through June 30, 1997, which may provide some assistance to licensees in focusing on improvement in major areas where deficiencies have been cited. Future reports will be generated on a fiscal year basis, comparing current to past trends.

As the display below indicates, 466 complaints were received. Of the total number of complaints received, department staff have completed the investigation of 448 complaints. For the remaining 18 complaints received, the investigation is still ongoing. Of the 448 complaints investigated, 261 resulted in nonsubstantiated or inconclusive findings. The remaining 187 complaints (42 percent) resulted in the issuance of Notices of Deficiency for a total of 571 deficiencies. Class B deficiencies were cited most frequently (296 deficiencies or 52 percent) followed closely by Class C deficiencies (271 deficiencies or 47 percent).

COMPLAINTS	
Number of complaints received between 1/1/95 and 6/30/97	466
Number of complaints investigated	448
Number of complaints resulting in nonsubstantiated or inconclusive findings	261
Number of complaints with one or more substantiated deficiencies	187

DEFICIENCIES	
Class A Deficiencies	4
Class B Deficiencies	296
Class C Deficiencies	271
Total number of deficiencies	571

The 571 deficiencies fall into eight general categories: administration, staffing, personal rights, records, dietary, physical plant, health-related services, and operating an alcoholism or drug abuse recovery or treatment facility without a license. The number and percentage of deficiencies within each of the general categories are illustrated on the bar graph and a pie chart on the next page.

The greatest number of deficiencies is in the area of records which includes admission agreements. The second largest area is in physical plant. Physical plant covers a wide range of problems including sanitation and safety. The third largest area is in personal rights.

Below is a summary of the major Title 9, California Code of Regulations, violations in order of greatest occurrence that were cited under each general category.

>RECORDS--129 Deficiencies

Deficiencies in record keeping account for approximately 23 percent of the total 571 deficiencies cited. The sections below account for over 57 percent of the total 129 record keeping deficiencies.

- Section 10566(b)(3) Admission agreements shall specify those actions, circumstances or conditions which may result in resident eviction from the facility.
- Section 10566(f) The licensee shall comply with all terms and conditions set forth in the admission agreement.
- Section 10566(b)(2)(A) Admission agreements shall specify payment provisions with the amount assessed.
- Section 10566(e) The licensee shall retain the original copy of the admission agreement and shall provide a copy to the resident.
- Section 10566(b)(1) Admission agreements shall specify the services to be provided.
- Section 10566(b)(2)(C) Admission agreements shall specify a refund policy.

PHYSICAL PLANT--116 Deficiencies

Physical plant deficiencies account for approximately 20 percent of the total 571 deficiencies cited. Two sections account for approximately 70 percent of the total 116 physical plant deficiencies. However, Section 10581(a) is a "catch all" category that includes everything from dirty floors to exposed electrical wiring.

- Section 10581(a) Facilities shall be clean, safe, sanitary and in good repair at all times for everyone's safety.
- Section 10584(e) All toilets, hand washing and bathing facilities shall be maintained in safe and sanitary operating condition.

PERSONAL RIGHTS--81 Deficiencies

The sections below account for approximately 14 percent of the total 571 deficiencies cited, or approximately 70 percent of the total 81 personal rights deficiencies.

- Section 10569(a)(2) Residents' personal rights include the right to be accorded dignity in personal relations with staff and other persons.
- Section 10569(a)(3) Residents' personal rights include the right to be accorded safe, healthful and comfortable accommodations to meet their needs.
- Section 10569(a)(4) Residents' personal rights include the right to be free from intellectual, emotional and/or physical abuse.

HEALTH RELATED SERVICES--63 Deficiencies

Health related services accounts for approximately 11 percent of the 571 citations, with the sections below responsible for approximately 70 percent of the 63 deficiencies.

- Section 10572(e) No person, who, within the previous 24 hours, has consumed, used or is otherwise still under the influence of alcohol or specified drugs shall be permitted on the premises except for individuals admitted for detoxification or withdrawal. Policies must be in place to enforce this provision.
- Section 10567(b) All residents shall be tested for tuberculosis within a specified time period, and annually thereafter if continuous participation is maintained.
- Section 10572(f) Licit medications shall be controlled by the licensee as specified by written goals, objectives and procedures, and some licit medications shall not be used by anyone or kept on the premises except those prescribed by an authorized professional.
- Section 10567(e) The licensee is responsible for ensuring that residents are provided with a safe, clean, and healthful environment.
- Section 10572(b) During the provision of services, there shall be at least one person in the facility capable of providing cardiopulmonary resuscitation and first aid.

ADMINISTRATION--58 Deficiencies

Administrative errors account for approximately 10 percent of the 571 total deficiencies, with the following sections accounting for approximately 72 percent of the 58 administrative deficiencies.

- Section 10513 A licensee shall not operate a facility beyond the conditions and limitations specified on the license.
- Section 10563 The licensee is accountable for the general supervision of the facility and for establishment of policies concerning its operation.
- Section 10561(b)(1)(B) The licensee shall report to the Department any facility related injury of any resident which requires medical treatment.
- Section 10510 No licensee shall make or disseminate any false or misleading statement regarding licensure of the facility or any of its services.

DIETARY--57 Deficiencies

Dietary problems account for approximately 10 percent of the total 571 deficiencies, with the following sections accounting for approximately 58 percent of the 57 dietary deficiencies.

- Section 10573(a)(1) The daily diet for residents shall be of the quality and quantity necessary to meet specific standards and the needs of residents.
- Section 10573(a)(7) All foods shall be selected, transported, stored, prepared, and served so as to be free from contamination and spoilage and shall not be stored in damaged containers.
- Section 10573(a)(17) All kitchen, food preparation, and storage areas shall be kept clean, free from litter and rubbish, and measures taken to keep all such areas free from rodents and other vermin.
- Section 10573(a)(19) All equipment, dishes, and utensils shall be kept clean and maintained in good repair.

STAFFING--45 Deficiencies

Staffing problems account for approximately 8 percent of the total 571 deficiencies, with the following two sections accounting for approximately 42 percent of the 45 staffing deficiencies.

Section 10564(b)(1) Facility personnel shall be adequate in numbers and competent to provide needed services, as demonstrated by accrued work, experience, education, and/or job performance.

Section 10564(c)(1) Good physical health shall be verified by a health screening, including tuberculosis testing performed under licensed medical supervision, within a specified period of time, and renewable every year.

OPERATING WITHOUT A LICENSE--22 Deficiencies

There were 22 facilities cited for operating without a license, accounting for approximately 4 percent of the total 571 deficiencies. However, there were a total of 153 alleged violations of operating without a license which were investigated during this period, with approximately 14 percent substantiated. It is interesting to note that slightly

more than 50 percent of the 261 complaints resulting in nonsubstantiated or inconclusive findings (refer to display on page one) fell into the operating without a license category.

QUESTIONS/MAINTENANCE

If you have any questions regarding this report, please contact Ann Horn, Manager of the Licensing and Certification Branch, at (916) 323-1834, or Connie Scott, Supervisor of the Complaint Investigations Section, at (916) 323-1846.